

## REMARKS

Applicants do not understand the Examiner's reliance upon Darago '014, a reference directed to securely delivering commercial courseware and related type information over a networked system to authorized users. As noted at col. 3 lines 54 spanning col. 4 through col. 5, lines 1-20, security and preservation of intellectual property rights, e.g., in the commercial courseware that is to be delivered, are of great concern to Darago.

Note for example:

Courseware . . . managed by the system may contain . . . "critical portions" which have been treated to prevent their unauthorized use and thereby enhance the protection of intellectual property rights in the content by technical means. . . . (emphasis added, col. 6, lines 5-19).

The system also monitors the connection between content server and client, and meters use of the content so that the user pays only for actual use. . . . Adding the metering security module alters the system, such as by inserting disabling code, so that the system will not play or display the content unless the metering security module is operating. . . . "Playing" a work includes displaying it, executing it, digitally manipulating it, or otherwise performing an act governed by the license agreement or by relevant intellectual property law. Unless the metering security module is engaged and authorizes the use, a monitor will not display certain protected words or images or motion images, speakers will not play certain protected sounds, motion simulators will not perform certain protected motions, and so forth. (emphasis added, col. 6, lines 32-49)

The proposed user ID and password are checked against existing registration information in the database 302 to make certain they are unique throughout the architecture . . . so that charges for services will be valid and services cannot be stolen by an unknown or duplicate user and then charged to the wrong user ID. (emphasis added, col. 10, lines 50-56)

Fig. 6 illustrates generally intellectual property license enforcement methods of the present invention . . . (emphasis added, col. 16, lines 15-17)

Given the above overview of Darago '014, the Examiner's comments at the bottom of page 2 of the Office Action that Darago discloses an invention for "a sensory assisted presentation system that provides support for presenting and selling goods and services" is not understood.

The quoted text at page 3 of the Office Action simply states at the first paragraph that the 1980 era of computers were limited to manipulating words, numbers and characters, whereas by the 1990s, computers could manipulate icons, images, audio, and video. But applicants submit that such "manipulating" in the 1990s means video editors could be run on PCs to alter images, to splice or otherwise alter audio, to splice or otherwise alter video. This is all that is implied by the quoted language in Darago.

The Examiner at the second full paragraph on page 3 of the Office Action quotes Darago's reference to "sensory works experienced while using computers, such as the physical motions performed with a flight simulator, may be protected". Again, Darago's use of the words "sensory works" simply does not transform Darago '014 into the presently claimed invention. The "sensory works" were intended to augment, in this example, a video flight simulation game to add realism. But it is not realistic to rely upon such language in Darago to support a conclusion that a potential purchaser of an actual airplane would make the decision after playing a computer simulator game with such airplane on a computer.

In the context of Darago '014, commercial users of a Darago system would pay consideration for the right to view and/or hear presentations (most likely courseware type material), and within license rights could edit or otherwise manipulate such material . . . providing no unauthorized violation of intellectual property rights occurred. Darago '014 is simply not relevant to the presently claimed invention. An analogy for Darago '014 would be a pay-for-viewing educational course networked over a television network, where full intellectual property rights of the courseware being transmitted remains protected, and security prevents customers from using the system for free.

The Examiner takes Official Notice of USP 6,542,442 to Kaslon (effective filing date 31 May 2000 entitled "Scent Emitting Device" that emits scents appropriate to sounds and/or images. Applicants note for the record that the present invention was made on a date prior to 31 May 2000 and that applicants could swear behind this reference. But there appears to be no need to do so in that there is no motivation to combine Darago's security conscious commercial network system with the system of Kaslon '442 that augments sounds and/or images with appropriate scents. Assuming for the sake of argument that such a combination was even feasible, the result would be a highly secure networked "pay-to-use" system that showed a copyrighted display (replete with

copyright notice) and/or sounded copyright protected sounds, accompanied by a "smell" appropriate to the image and/or sound. Such a system is quite different than a system to allow potential purchasers to smell perfume while viewing a bottle of the perfume, to make a purchase decision.

Manne '595 discloses a multimedia-linked gas-conducting delivery system that apparently can delivery scents in rapid succession to a user's nose in conjunction with video and/or sound. But there is no motivation to combine Darago's security conscious commercial network system with the system of Manne '595 that augments sounds and/or images with appropriate scents. Assuming for the sake of argument that such a combination was even feasible, the result would be a highly secure networked "pay-to-use" system that showed a copyrighted display (replete with copyright notice) and/or sounded copyright protected sounds, accompanied by a "smell" appropriate to the image and/or sound. Motivation for such a system would be to augment presentation of the copyright protected video and/or audio material with scents. By contrast, the present invention system would display a bottle of perfume and allow potential purchasers to smell the perfume before deciding whether to purchase the perfume.

USP 6,336,891 to Fedrigon is cited as disclosing a vibratory exercise machine that apparently makes exercise more interesting by displaying audio and/or video associated with an actual exercise course. Assuming that one were somehow motivated to combine Darago '014 with Fedrigon '891 and that such combination were feasible, the result most likely be a networked pay-per-view display of a jogging course through private property, in which the Fedrigon treadmill was commanded in terms of speed and "incline" remotely. However the intent of the audio and visual effects in such embodiment would be simply to make exercising on machine more enjoyable . . . not to emulate the actual jogging course such that the person on the machine could decide whether to purchase the actual jogging course, based upon the vibratory and auditory sensations. To the extent the presently claimed invention employs vibratory sensations, such sensations augment a potential sale of a product associated with such sensations. This result is quite different than any combination of Darago/Fedrigon.

USP 5,590,062 to Nagamitsu discloses a tool for house designers by which non-existent dwelling spaces can be simulated on a computer screen, with auditory augmentation. The designer can manipulate the dwelling space and contents to get a

better sense of how to then actually construct such a dwelling space. Note that the designer or user apparently will wear a goggle-type stereoscopic display (col. 12, line 33; col. 14, lines 36-37; Fig. 3, element 11). Assuming there was motivation to combine Darago with Nagamitsu, and that the combination was operational, presumably one would have a pay to view networked system to enable a goggles-wearing architect or designer to layout non-existent rooms in a dwelling to perhaps be constructed at some later date.

\* \* \* \* \*

In short, applicants submit that the present invention as defined by claims 12-20 are not rendered obvious by any of the art of record.

CONCLUSION

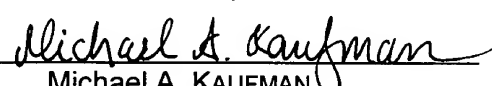
Applicants submit that pending claims 12-20 are in patentable form and are allowable over the art of record. Claims 12-20 should be passed to allowance at this time.

\* \* \* \* \*

The Commissioner is authorized to charge any additional fees that maybe required, including extension fees, or credit any overpayment to Deposit Account No. 50-2319 (our Order No. 467766-00031 [A-68295/MAK]).

Respectfully submitted,

DORSEY & WHITNEY LLP

By   
Michael A. KAUFMAN  
Reg. No. 32,998  
Submitted under 37 C.F.R. § 1.34(a)

Dorsey & Whitney LLP  
Four Embarcadero Center - Suite 3400  
San Francisco, California 94111-4187  
Tel.: (415) 781-1989  
Fax: (415) 398-3249

[467766-00031]